App. F. IX-4

193

(Law)

File No 66-27

Serial Nos. 9-10

Previous References
Law 66-27-1-6
Muz 3-24-1-9
" 94-13-5-13
Later References 1-4
Law 1-32-26-29 P

Preserved

GENERAL AND REVENUE SECRETARIAT.

Serial Nos.

Part B for August 1932

SUBJECT

O. S. 2/27-28 on the file of the Addl Dist Comr-Bijnor (Rajaram vs Chief Secy)

To The Muz Comr

No P 1149 of 24.8.32

Forwards a copy of the judgment & decree passed in the above case and ~~requests~~ states that the PP Bijnor has been instructed to take necessary action to recover the costs due to Govt awarded ~~the decree~~ in Consultation with the D.C. Bijnor

Addl Dist Magr
14.9.32

G.R.S. III—31

Routine Notes.

[To be used only for notes, requisitions, etc., not intended for permanent record.]

D. 1672

addressed to the ch. Secty.

Notice from Mr. B. S. Chandra Sekara Rao, Advocate for Mr. Ramanah alias Bantanamah intimating that if the 2 months suit is not pleased to order that the mugums chatteram is his client's private property and that a license applied for to build a compound wall should be given to him as prayed for, a Suit will be filed against Govt. for all the reliefs in a competent court of law.

2. Secty's order:- Immediate. Submitted. Mag. 7. Nos. 94-13 (2 sheets) 3-24 and 266-26 on the subject are submitted for

N.B.—Should routine notes be written on small slips, the notes must be copied, or slips pasted on this form

5343/26
P

G.R.S. III—3]

Routine Notes.

[To be used only for notes, requisitions, etc., not intended for permanent record.]

perusal - the orders issued in the case are flagged. The facts of the case are given in the office-note D of 30-11-26 in Muz. no 3 of 1924 - from which it will be seen that Rajanna's contention that the mupunala chattram is his private property was not accepted by us and that chattram was ordered be made over to Veerabhadra Devasthanam temple as the place

Submitted.

By 18.5.1927.

7718
27.5.27

The suit may be awaited if appealed

Inc 19/5

Second Member

Thro' Secy for orders

I agree

18/5/27

N.B.—Should routine notes be written on small slips, the notes must be copied, or slips pasted on this form.

OFFICE OF THE
SECOND MEMBER OF COUNCIL,
25 MAY 1927
105.3

B. S. CHANDRASEKHAR RAO, B.A., LLB.
ADVOCATE.
ಬಿ. ಎಸ್. ಚಂದ್ರಶೇಖರರಾವ್, ಬಿ.ಎ., ಎಲ್‌ಎಲ್‌ಬಿ.
ಅಡ್ವೊಕೇಟ್.

BANGALORE CITY.

16th May 1927

No. 515
16-5-27

GEN. & REV. SECRETARIAT.
18 MAY 1927
MUZRAI
01672

To

The Chief Secretary to the Government
of His Highness the Maharaja of
Mysore, General and Revenue -
Secretariat, BANGALORE.

Sir,

In the matter of the chattram situate near the Veerabhadra swamy Temple in Muguvala village, Jodigenahally Hobli, Hoskote - Taluk, Mr. Rajanna alias Anantharamiah has given me instructions to address you a notice as below: -

1. That he is the lawful owner of the chattram in question built by the exertions of his forefathers without any other help public or otherwise he being in possession of the same admittedly up to the present moment.

2. That any evidence that the chattram does not belong to my client as private owner is purely a fabrication which he is prepared to prove at this moment and the finding by Government to the contrary in letter No. 2243/Muz. 94-15-11 dated 4th - November 1921 is not binding on my client as he was never heard or an opportunity given to him to adduce evidence as to the fact of his ownership to be considered before the said order was promulgated by Government. The said order is therefore opposed to - elementary principles of justice, equity and good conscience.

3. That the present order by Government as disclosed in

endorsements

endorsements No. 1275/Muz.3-24 dated 19th January 1927 and No. 1994/Muz.266-26 dated 14th April 1927 respectively are entirely void for want of jurisdiction by Government being ~~upp~~ opposed to section 2, para (1) sub-clause (i) of Regulation VI of 1913 (Mysore Muzrai Regulation), the chattram belonging to my client not coming under the purview of that section.

4. That sufficient land having been given by my client for the purpose of leading a car of Veerabhadraswamy during car festival, the license to build a compound-wall round his chattram has been wrongfully withheld though at one time given by the then Muzrai Officer of the District.

I am therefore called upon by my client to give you notice which I hereby do that if after two months the Government is not pleased to order (a) that my client is the lawful owner of the chattram and that it is his private property and therefore he is not liable to be evicted therefrom by anybody (b) that the license applied for to build a compound wall should be given to him as prayed for, a suit will be filed against Government for all the reliefs in a competent Court of law. The Government will further be liable for all costs due to such proceedings which my client might incur on such a contingency

Yours truly,

B. S. Chandrashekar
Advocate.

G. R. S. III—5]

ROUTINE NOTES.

[To be used only for notes, requisitions, etc.; not intended for permanent record.]

Letter No. XX 658 dated 20.8.28 from the District Judge, Bangalore to the Chief Secretary to Govt forwarding witness summons in duplicate in O. S. No. 2/27-28 — Date of hearing 3/10/28

Submitted

As stated above the object of the summons is to produce or cause to be produced by the Secy to Govt or any of the concerned officials letter No: 2243 Muzrai 94-13-7 dated 4-11-27 the records and the reports on which the above order was passed by the Govt and the connected records of appeals now before Govt and the lower courts on the Muzrai side by Plaintiff Rajamma alias

N. B.—Should routine notes be written on small slips the notes must be cipoed, or slips pasted on this form

G. R. S. III—3]

ROUTINE NOTES.

[To be used only for notes, requisitions, etc., not intended for permanent record.]

An auth or annual — as well as the records & proceedings which first started the case in the Lower Courts. Submitted for orders as to whether this may be passed on to the Mizerai Branch for needful action.

Sir, 24/9. Re original Petn & put up for inspection of the certified Re the way of appl, be pleased to refer as to the mizerai or for necessary further action

(2) The summons may be signed. As it may take some time to have the records scanned the Judge will be requested to give a fortnight's time for their production.

2.10.28

(Chief Sec)

N. B.—Should routine notes be written on small slips the notes must be copied, or slips pasted on this form.

1606

529

G. R. S. III—5]

ROUTINE NOTES.

[To be used only for notes, requisitions, etc., not intended for permanent record.]

(3) Sent to with a draft as directed above
Sd/-
2.10.28

(4) Issue at once C.R.
2/10/28

To

The District & Sessions Judge
Bongaon

No. O: 1870 of 2.10.28.

Returns the original summons in O.S. 2/27 with due endorsement of service and requests him to give a fortnight's time for production of the required record

(5) Forwarded to the Bongaon Branch for next further action C.R.
2/10/28

N.B.—Should routine notes be written on small slips, the notes must be copied, or slips pasted on this form.

1610/P/28.

App. F. III—2]

General and Revenue Secretariat. | File No. | of 192

Serial No.

(6) The linked Muz. file obtained from the Bot. Br. yesterday, gives the facts of the case that Branch is taking action to defend the Suit filed against Govt, and the Summons now received from the Court for the production of certain documents, may also be transfd to that Branch for further action, as they will be in a better position to say which of the documents now summoned, can be produced in Court and which, as regards the documents summoned Govt. order dt 4-11-1921 was transfd to the M.C. for disposal in connection with an appeal filed by the present Plaintiff. This order does not appear to be a final order but an ad-interim one conveying directions to the D.C. to dispose of this case. As for the documents rel. to in B.D.C., these records are not in the Branch.

Submtd. for orders

4.10.28.

(giving an abstract of the order)

3008/6/10

The Court has been requested to grant a fortnight's time from the 3rd inst. to produce the rec. rel.

NOTE—Contn. Sheet.

WD 01714—GPB—30,000—18-4-28

Bot. Br. / Law

5/10

Serial No.

(7) Since the documents summoned are not put up, it is not possible to say which of them can be produced & which not.

(8) The 1st document summoned appears from (flag M) to be a letter addressed to D.C. Bangalore. It is that officer that must therefore be asked to produce the document and since it is an official Communication, it is open to that officer, if he thinks it desirable, to claim privilege under sec 124 Evidence Act.

(9) The records (b) and (c) mentioned in the summons appear to be with the Munz Com^r. (flag K). The description of documents given are very vague.

(10) Perhaps the summons may be sent to the Munz Com^r ~~and the~~ who may comply with it, if after consultation with the PP^r who is conducting the case, he thinks fit to comply.

Draft
6-10-28

L. Rice)

6/10

(11) Yes
8/10.
Draft.
8/10

Law 8/10

(12) Draft put up. Copy of it is proposed to be sent to PP^r also.

Draft
8/10/28

Yes
8/10

NOTE—Contn. sheet

WD 621—GPB—30,000—21-8-28

General and Revenue Secretariat | File No. of 192

Serial No.

To the Murrai Comm
No P 2150 D 8/10/28
Request to Consult the P. Pr,
Bangalore, who is conducting the
case on behalf of Govt and Cause
the documents required to be produced
in Court on the day fixed for
hearing if in his opinion public
interest would not suffer thereby
To the P. Pr Bangalore
No P 2151 D 8/10/28
Rdo copy of the above

(13) This may be returned to the Murrai Branch.
MP 12/10/28 — To the Murrai Branch. AM 12/10 — 13/10.

From, the Dist Judge,
Letter no XX 1889 D 21.2.29
Forwards witness summons
for production of certain documents
(14) The Govt Pr is taking action
to defend the suit filed against
him. The witness summons
now received from the Court
for the production of certain
documents, may be transfd. to

NOTE—Contn. Shee

Serial No.

That Branch for further action.

(15) The documents now summoned vide G.O. Dt 4-11-1929 and the Vern. (perhaps with the exception of Bhaskaraiah's letters) Pro. in the case had been summoned by this Court on a previous occasion (vide Dist. Judge's letter Dt 20.8.1928) and the Prohi. Branch has issued necessary instructions to the R.C. The requisite summons will have to be signed by the Chief Secretary, and returned to Court with endorsement of service thereon.

Date of hearing — 5th March 29

D B

Submitted

28.2.29.

(16) The documents now summoned are not in this office. They are to be summoned from the respective office & also from the Salt Office.

W 28/2

25/2

(17) These are the same documents as are ~~summoned~~ now summoned by the Dist Court to be produced by 5th March 1929. Kind refee is invited to the Office note in paras 7 to 10

Law 25/2/29

Letter dated 19.2.29 from Advocate Mr. B.S. Chennakeshava Rao, giving notice to the Ch Secy to produce the documents mentioned therein

NOTE—Contn. sheet

Serial No.

above in connection with a similar summons on a previous occassion — As mentioned therein the 1st document summoned is a letter written to the D.C. Bangalore (Flag M) & as such it is the D.C. that has to be summoned to produce it. As regards item (b), ~~the docu~~ Flag D is the appeal petition & Flag L the review petition before Govt. The collections cannot be produced since it contains office notes etc, which it may not be proper to produce before Court. The proceedings before the Amildar & other Revr. officers, ought to be with the officers Concerned.

(18) On the previous occassion the Summons was forwarded to the Comr for that Officer to take action in consultation with the PPr who is Conducting the defence on behalf of the Ch Secy. Draft letter to PPr put up

Noted
26.2.29

(L.R.)

26/2.

(19) Noted return of Mrs inserts

To me
26/2
2
26/2

9 To the Public Prosecutor Bangalore

P 4834/Law dated 27.2.29 giving him instructions regarding the summons to produce documents

NOTE — Contn. sheet

Serial No.

1000 1/12

(20) This may be sent to the Hon'ble Branch for perusal & return

Dy 27.2.29 1/12 Secretary for

Subt" for perusal

27/2

27/2

28/2

2/3

Dy

2/3 1/3/29

Law 1/3

(21) The original of the Summons has to be signed by the Ch Secy & returned to the Court. For reason of being marked accordingly

Date of Hg 5.3.29

Dy 1.3.29 1/3

(Addl. Secy)

2/3

1/3

1 MAR 1929

(22) The returned Summons

2/3

Draft Petn Dy (with fair copy also)

2/3 2/3

2/3

10 To the Assistant Judge, Bangalore P 4889 / Dated 2.3.29 returning the Summons

Sec B Dy 21/3/29

NOTE—Contn. sheet

3379/P 15=

G.R.S. III—31

Routine Notes.

[To be used only for notes, requisitions, etc., not intended for permanent record.]

D. 1107

Mus. 210-29-1

(23) Witness Summons in O.S. 2/27-28 relating to Instrument Chatham.

The matter is being dealt with in Pol. Br. in Law file no 66 1927 may be handed to Pol. Br. for disposal.

Submitted
[illegible]
15.1.30.

15/1

The Supt., Pol. Br. Board
With compliments
[illegible]
15/1/30

Recd)

N.B.—Should routine notes be written on small slips, the notes must be copied, or slips pasted on this form

3379 16

App. F. III—2]

General and Revenue Secretariat | Law File No. 66 of 192/

Serial No.

witness Summons from the District Court for production of documents mentioned therein —

Date of 14g 29-1-30

(24) The documents now summoned are the identical ones summoned on 21.2.29 (Refee para 14, 16 18 above). Instructions were then issued to the PPr, Bangalore (Serial no 9. Hap L.) to claim privilege as regards certain documents and report that the others are in the custody of other officers mentioned therein further action has also to be taken now. draft to PPr put up.

A (25) After issue the file has to be sent to the Ch: Secy for signature to the orginal Summons, and which has to be returned to the Dt Court

Dsd 16.1.30. L.R.) 16/1

To The Public Prosecutor, Bangalore

P 3615/ Law Dated 18.1.30.

forwarding Summons for necessary action and report

Dated 18-1-30

Submitted. Kind reference to A above.

Dsd 18/1/30 (Chief Secy) 18/1

Note--Contn. Sheet

WD 066—GPB—30,000—26-7-29

18/1

Laws 18/1

3.5.93 17

App. F III—2]

General and Revenue Secretariat. | File No. of 192

Serial No.

Draft returning the Summons to the Dist Mag. Puttur

DNL 21.1.30

Issue DNL 24/1

3bss. (1) of 22/1/30

Sub B

DNL 22-1-30

Part heard.

Posted for evidence to 19.11.30

~~Do~~ 7-1-31

~~Do~~ 20-6-31

~~Do~~ 15/16-1-31.

Please ask the H.S. Clerk to send a report as to the progress made in this case so far & to intimate the further date of hearing, if any, to which it is posted -

DNL 23.7.31

Dft Subd

ISD 24/7

Issue DNL 24/7

Sub A.

Issued vide G.O. 580 dt 25.7.31

DNL 27.7

NOTE—Contn. sheet.

WD 066—GPB—30,000—26-7-29

Serial No.

Letter dated 1st Aug'31 from Mr H.S. Mackay forwarding the letter of Mr B.S Chandrasekhara Rao Advocate suggesting certain terms for Compromise, and requesting to be informed of the decision of the Govt in the matter.

27) Mr. Chandrasekhara Rao the Counsel for the pty has suggested 6 conditions for Compromise. Every Condition imposes some liability or other on the part of the Govt. It is rightly pointed out that the suggestions are one sided. Mr. H. S. Mackay wants to know the decision of Govt before 11th inst. the date to which the Case is posted for trial.

Submd for perusal & orders.

ISD
3/8

28) The plaintiff Rajanna alias Ananta Ramiah, claims in the suit the Chattram at Nuguvala as his own private property. The defence on behalf of the Govt is that it is not plaintiff's property but that of the Sree Prasthutha Veerabhadraswamy temple at the place.

29) The terms of the so-called compromise proposed by the plaintiff's Counsel if accepted would amount to practically conceding all that is claimed for in the suit. Govt have a good case

NOTE—Contn. Sheet.

WD 02553—G PB—50,000—8 7 30

and in the interests of the Muz institution I do not think the proposed compromise is worthy of any serious consideration.

(Chief Secy) 3/8/31

2) I agree. Do the Jus secy with enclosures

4/8/31

3) A. I quite agree.

(1st member) 4/8/31

3) 5/8/31

3) Draft reply is put up for approval.

(Chief Secy) 6/8/31

6/8/31

To

Mr. D. Srinivasamurthy, Advocate.

No. P. 794 dt 7.8.31 informing that Govt do not consider the proposed compromise worthy of any serious consideration

Sm B.

General and Revenue Secretariat | File No. | of 193

Serial No.

Subs No further report is received
Hence a draft is put up

10/9

Issue
MP 12/9
1619 of 12/9/31

Subs No report is received.
Another draft is put up

28/9

Issue
MP 28/9
1875 of 1.10.31

Subs Further report is not yet received Another draft is put up

23/10

Issue
MP 23/10
2334 of 26/10/31

10/11

Subs In spite of three reminders the report has not yet been received Fourth reminder is put up.

7/11

Issue
MP
7.11.
2626 of 11/11/31

Mr. H.S. Mantry's report d. 24th Dec 31
Posted for trial 20.1.32

NOTE—Contn. Sheet

WD 02553—50,000—GPB—8-7 30

ISD 28/12

for Panel
MP 28/12

Draft by HP 9.2.32

TYPING SECTION
11 SEP 1931
GENL. & REV SECTT.

TYPING SECTION
28 SEP 1931
GENL. & REV SECTT.

TYPING SECTION
26 OCT 1931
SECTT.

TYPING SECTION
7 NOV 1931
GENL. & REV SECTT.

1127-28 on the file of the Addl Dist Judge. Bellary.
(Rajanna vs Ch/Sec?

File No. of 193 | General and Revenue Secretariat

Letter dated 7.3.32 from Mr. H.S. Mudaly informing that the suit is dismissed with costs.

36) This is a suit for possession of Chattram at Mugavada. Dft calling for a copy of the judgment is pursuit.

Subt for perusal orders.

ISD 17/3

36) Issue & resubmit

Prd 17/3

Issued vide P.S. dt 17.3.32.

Subt for perusal after time.

ISD 18/3.

37) Refee: para 28. The suit is reported to have been dismissed with costs on 29-2-32. Copy of the Judgt is called for & is being awaited.

Gen Secy)
Fin. Secy)
(Revr)

Prd 18/3

38) Time 18/3

GENERAL SECRETARY. 18 MAR 1932 No. 6

Prd 19/3

39) 19/3

Prd 19/3

1055

40) Copy of the judgment received with Mr. H.S. Mudaly's letter dated 2nd Aug'32 is Subt for perusal.

(Filed with D.No. 624)

159 4/8

Hirecards received in this Connection may be returned to the D.C. Bellary.

4337/31 P 22

General and Revenue Secretariat | File No. | of 193 | [App. F. III—2

Serial No.

GENERAL SECRETARY 4 AUG. 1932 No

(1) This is a suit filed by Rajanna alias Ruanta ramiah against Govt praying for a declaration of his title to the Huguvala chattram in Hosakote Taluk. On behalf of govt, it was contended that the chattram was not the private property of the plaintiff but that it was a Muz: institution.

(2) The learned Addl District Judge holds against Govt on the merits of the case, that is, he comes to the conclusion that it is not a Muz: institution as defined in Reg VII of 1927 (Vide page 17) but that it is plaintiff's property "though it may be" intended by him to be ..... for the convenience of the public" (Vide page 19).

(3) The suit however is ultimately dismissed with costs on the ground that it is barred by time, if viewed as a suit under sec 21 of Reg VII of 1927 and that it is not maintainable under Reg VII of 1923 being merely one for declaration and not for recovery of possession.

(4) Since the final decision in the case is in favour of govt, no appeal can lie from any finding in the case, though it may be against govt. In other words govt will not be bound in any future litigation that may arise, by the finding in this case as regards the plaintiff's title.

Submitted for perusal.

Gen Secy) RR 5/8/32 pmp 4/8

II Mr. Member pmp 5/8

OFFICE OF THE SECRETARY TO GOVERNMENT REVENUE DEPARTMENT 6 AUG. 1932 No 1171

Note—Contn. Sheet.

WD 70—GBPM—60,000—13-8-31

Mr 8/8/32 RR 9/8/32

23

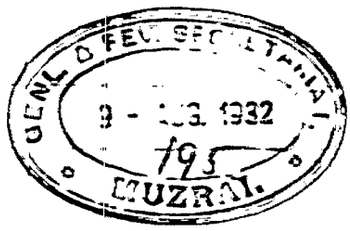
File No. of 193 General and Revenue Secreta

1912

Please get a copy of the Qurfa decree typed for reference here and then forward a dft forwarding them alongwith the other records to the D.C

Mur Br for perusal and return. Further action re: recovery of costs etc will be taken here.

Rosp
9.8.32



Submitted for perusal

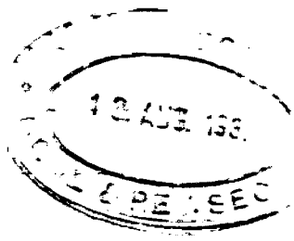
Recd
9/8/32

1678/32

Mr Secy
(18th Aug)

Mr 11/8

Gen Sec 4/



Dft to the Pr. forwarding Copy of the Qurfa
in four sets
ISD
13/8.

Issue & retain with
dft to the
RMP Mur Con^r
13/8 Securing copy of
Qurfa

RMP
13/8

Issued vide P. 10045 dt 18.8.32

As soon as copy of the decree in this case is received from the Govt Typist of Rly
ISD
13/8. Copies of the in this case for the Qurfa decree have been retained for reference. Please have them typed RMP
12/8

433731

[App. 264

General and Revenue Secretariat	File No	of 193

Serial No.	
	Re-subd with a dft to the Hy. Comr.
	ISD 19/8
	Issue MP 19/8
	Issued no. 1. 11 Hy dated 24.8.32
B	
	ISD 24/8/32

TYPING SECTION
19. AUG. 1932
GENL. & REV. SECT.

NOTE—Contn. Sheet.

WD 70—GBPM—60,000—13-8-31

F. VI. Gl]

SUBJECT.....

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.....

Section

File No.

Serial No.

No. 0.1370 Esqe

Diary No. of letter replied to.....

General and Revenue Secretariat

( )

the *192*

To The District Judge,
Bangalore Dn
Bangalore

Date of issue 21/10/28

Signed by.....

Sir)

With reference to your letter No: XX 658 dated 20th Aug 1928, forwarding duplicate Witness Summons in O.S. No: 2/27 received in this office on 22 Sept 28 on the file of your Court for service on the Chief Secy to Govt I am directed to return herewith the original with the endorsement of service

List of enclosures.....

Copied by .....

Examined by .....

over

therein and to request that
as it will take some
time to trace the records
required to be produced
in your court, a fortnights'
time may be kindly
allowed.

I have etc,

C E R
2. 10. 18
For Chief Secy to Govt
for 2/Secy

Civil

Form No. 105.

Ft 658

1606

Bangalore 31-1928

GENERAL SECRETARIAT
22 SEP. 1928

SECRETARIAT
3 OCT 1928

192 MUZRAI 3-29

From The District Judge Bangalore Division Bangalore

To The Chief Secretary to the Government Mysore Bangalore

Sir,

I have the honor to forward herewith witness Summons, in duplicate in O.S. No 2/27. D.D. of 192 . in the file of this Court, and to request, that you will be so good as to cause the duplicate to be served on the individual therein named, and the orginal returned to this Court with due endorsement of service thereon on or before the date of hearing. (3.10.28)

retain

A sum of Rs. 2-0 is herewith sent, being witness batta will be paid in Court.

I have the honor to be.

Sir,

Your most obedient servant.

By order

Chief Clerk

WD 0543—GPB—8,900—17-7-26

APP. F. VI. Gl.]

SUBJECT.....

.....

.....

Section

File N.

Serial Nc

Diary No. of letter replied to.....

No. 2150 (1)

To

The Muzarai Commissioner in Mysore, Bangalore.

General and Revenue Secretariat

( )

the *192*

Date of issue.....8/10/28

Signed by.....M V Rao

Sir,

In ~~I am directed to~~ forwarding herewith a Summons for producing documents mentioned therein served on the Chief Secretary by the District Judge, Bangalore in O.S. 20 of (927-28 (Anantaramiah v/s Dep secretary) I am directed to state that the records called for, appear to have been sent to you with letter No: 1591/ Muz 63-22-15 dated 24-10-1928 and ~~you are~~ to requested ~~to~~ You to Consult the Public Prosecutor, Bangalore, who is Conducting the Case on

List of enclosures.....

Copied by.....

Examined by.....

over

WD 01265—GPB—31,000—24-12-25

behalf of Government and cause the documents required to be produced ~~to~~ in Court on the day fixed for hearing, if ~~you think~~ ~~that~~ in your opinion public interests would not suffer thereby

I have etc

W

for Secy to Govt
Law Dept

BM
8/10

Copy to Public 2151 07 8/10/28

Executive Engineer for information ~~and necessary being done~~ W

Civil

Form No. 105

FT 889

Bangalore
21 & February 1929

CHIEF SEC...
23 FEB. 1929
PWD 271

From The District Judge
Bangalore Division
Bangalore 25-2-29

192

To The Chief Secretary
to the Government of H.H. the Maharaja of Mysore
Bangalore

D1301

Sir,

I have the honor to forward herewith witness
Summons, in duplicate in O.S. No 2/27.

of 192 , in the file of this court, and to request, that you will be so good as to ~~retain cause~~ the duplicate ~~to be served on the individual therein named~~, and the original returned to this Court with due endorsement of service thereon, on or before the date of hearing. i.e 5-3-29

~~A sum of Rs.~~ is ~~herewith sent~~, ~~being~~

~~witness batta~~

I have the honor to be,

Sir,

Your most obedient servant.

District Judge

WD 01181—GPB—9,000—20-12-27

G. R. S. III—3]

ROUTINE NOTES.

[To be used only for notes, requisitions, etc., not intended for permanent record.]

B. S. CHANDRASHEKHAR RAO, B.A., LL.B.,
ADVOCATE, CHIKPET.

Bangalore City.

ಬಿ. ಎಸ್. ಚಂದ್ರಶೇಖರರಾವ್,
ಬಿ.ಎ., ಎಲ್ಎಲ್.ಬಿ.
ಅಡ್ವೊಕೇಟ್.

3767/28

Protd. 19 ... 192

CHIEF SECRETARY

20 FEB. 1929

19 ... 192

Law 66-V-6

To

The Chief Secretary
to
The Government of His Highness
the Maharaja of Mysore.
G. R. S. Bangalore

Sir

In Connection with O.S. No. 2 of 1927-28 on the file of the District Judge Bangalore, I had Summoned You on behalf of plaintiff to produce the records stated below. A Communication was sent by me to the Court that You wanted 15 days time to search for the records nearly 4 months ago and I found the records have not been produced to the court as promised.

Please therefore take notice that the records have to be produced before the Court on or before 5-3-29 when the case is posted

N. B.—Should routine notes be written on small slips the notes must be cipoed, or slips pasted on this form

Appendix F G—1

SUBJECT.....

.....

.....

Section Exam

File No. 66-27

Serial No. 9

No. 4834(2)

Diary No. of letter replied to.....

General and Revenue Secretariat

( )

the *192*

To

The Public Prosecutor

Bangalore

Date of issue 27/2/29

Signed by

Sir,

In forwarding herewith Copy of the letter dated 19.2.29 from Mr B.S. Chennasekhara Rao advocate for the plaintiff in O.S. 2 of 27-28 (Rajamma vs Chief Secy) on the file of the District Court, Bangalore, as also a Summons to produce on 5th march 1929 documents mentioned therein served on the Chief Secretary. I have the honour to invite your attention to this office letter

over

st of enclosures.....

Copied by

Examined by.....

WD 0399—GPB—20,000—18-9-28

No: P 2151 dated 5.10.28

and to request you to submit
to the Court that document item
no (1) summoned, being a letter
addressed to the Deputy
Commissioner, Bangalore, it
is that officer that has to be
required to produce the
letter, who may freely do it
if in his opinion public interests
would not suffer thereby, and that
as regards item no (2), the proceedings
before the Amildar and the Nazarat
Officers, are not in the Nazarat Secretariat but
ought to be with the Officers
concerned ~~and not in this Office~~, and
~~that~~ The reports submitted by the Subordinate
local officials to the Govt being
privileged documents - cannot be
produced in Court. ~~and~~

I have &c

for Secy to Govt
Land

D.F
14.2.29

Appendix F G--1

SUBJECT.....

.....

.....

Section Law

File No. 66.47

Serial No. 10

No. 4889 (L)

Diary No. of letter replied to.....

General and Revenue Secretariat

(

the *192*

To

The District Judge

Bangalore

Date of issue 2/3/29

Signed by .....

Sir,

I am directed to return herewith the original of the Witness Summons in O.S. 2 of 27-28 on the file of your Court, with due endorsement of Service thereon.

I have the honour to be,

Sir,

Your most obedient servant,

for Secy

2/3

2/3

st of enclosures.....

Copied by.....

Examined by.....

over

WD 0399—GPB—20,000—18-9-28

Civil 21670

Form No. 105.

XX 1894

13.1.30

From The District Judge Bangalore Division

Bangalore 192

To The Chief Secretary to Government of Mysore

Bangalore

Sir,

I have the honor to forward herewith witness Summons, in duplicate in O.S. 2 / 27-28 of ~~192~~ , in the file of this Court, and to request, that you will be so good as to cause the duplicate to be served on the individual therein named, and the original returned to this Court with due endorsement of service thereon, on or before the date of hearing 29-1-30

GENL. & REV. SECRETARIAT 15 JAN 1930 No. D107 MUZRAI.

Muz 210-22

~~A sum of~~ Rs. ~~is herewith sent, being~~

~~witness batta~~

I have the honor to be,

Sir,

Your most obedient servant,

B.C. for Judge

Sheristedar

WD 01181---GPB—9,000—20-12-27

Appendix F G—1

SUBJECT

Issue of warrants

Section Law

File No. 66 27

Serial No.

No. 3615 (1)

Diary No. of letter replied to.....

General and Revenue Secretariat

( )

the *192*

To

The Public Prosecutor

Bangalore

Date of issue 18/1/30

Signed by

Sir,

In continuation of this office letter no P4834/Law 66-27-9 dated 27th Febr 1929 regarding the production of certain documents summoned in O.S. 2 of 27-28 (Rajanna vs Government) on the file of the District Judge, Bangalore, I am directed hereunto to forward the duplicate of the Summons now served on the Chief Secretary to

over

List of enclosures.....

Copied by 6/1/30

Examined by.....

WD 063—GPB—20,000—1-8-29

produce the same documents on 29th January 1930. I am to enquire whether the instructions given in the letter referred to above were carried out and if so, why the identical documents are again summoned to be produced. In any case, action as already indicated may be taken on the summons now served and the fact ~~the matter~~ reported to this office

I have etc

P.N. Sinha
Legal Adv
Dy
4/1/--

ppendix F.G—1

SUBJECT

Section

File No.

Serial No.

Diary No. of letter replied to.....

No. 3685 (C)

(General and Revenue Secretariat

(

the *192*

To

The District Judge

Bangalore

Date of issue 22/1/30

Signed by W NS

Sir,

I have the honour

to return herewith the witness

Summons in original in

O.S. 2 of 27-28 (Ananda

Ramiah vs Govt) on your file

~~duly~~ with due endorsement

of service thereon

I have etc.

for Chief Secy

List of enclosures.....

Copied by.....

Examined by.....

BY

21.1.30

DR

over

WD 063—GPB—20,000—1-8-29

Appendix F G–1]

SUBJECT.....

.....

.....

Diary No. of letter replied to.....

General and Revenue Secretariat

( )

the *193*

Date of issue 25-2-31.

Signed by

List of enclosures.....

Copied by 26/2/31

Examined by.....

Section

File No.

Serial No.

No. 550

To H. Sreenivasamurthy Esqr BSc BL
Advocate

Sir,

I am directed to request you to send a report as to the progress made so far ~~in~~ O.S. 2 of 27-28 on the file of the Dist Judge, Bangalore (Rajanna vs Ch. Secy) the ~~last~~ date fixed and the purpose for which the Case stands posted may kindly be intimated

I have etc

for Chief Secy
26/2/31

ISD 24/2

H. SRINIVASA MURTHI, B.A., LL.B.,
ADVOCATE.
CHICKPET, BANGALORE CITY,

5877/31 P.S.

Date 1st August 193 1.

To Law
Dept. 1 Aug. 1931

The Chief Secretary to the Government
of H.H. the Maharaja of Mysore,
Bangalore.

Sir

I have the honor to forward herewith the letter addressed to me by Mr. B.S. Chendrasekhara Rao, Advocate for plaintiff Rajanna in O.S. 2 of 1927-28 on the file of the Additional District Judge, Bangalore, making certain suggestions for acceptance by Government in connection with the administration of the Chatram which is the subject matter of the suit. The suggestions are one sided and secure to the plaintiff all advantages while throwing all responsibility on the Government. However the suggestions may be considered for what they are worth and I may be informed of the decision of the Government in the matter. The case is posted to the 11th instant for trial.

Encl 1

I have the honor to be,
Sir,
Your most obedient servant,
H Srinivasa Murthi
Advocate

B. S. CHANDRASHEKHAR RAO, B.A., LL.B.
ADVOCATE.
ಬಿ. ಎಸ್. ಚಂದ್ರಶೇಖರರಾವ್, ಬಿ.ಎ., ಎಲ್ಎಲ್ಬಿ.
ಅಡ್ವೊಕೇಟ್

18 BANGALORE CITY.

3rd July 1951

To

Mr. H.Srinivasa Murthy,B.A.,LL.B.,
Advocate, Bangalore City.

Dear Mr. H.Srinivasa Murthy,

Without prejudice either to the contentions of the plaintiff or the evidence already on record or about to be recorde in future in the present case, please ascertain from your clients (the tw defendants) whether they are prepared to enter into a compromise in O.S.No. 2 of 1927-28on the file of th e Additional District Judge,Banga which is for hearing on 15-7-31.

Conditions of Compromise.

1. Plaintiff to be managing trustee of the Chattram with power to nominate and appoint any competent person in case of necessity during hi life time and this privilege to continue to his heirs.

2. The mangging trusteeship to be ~~confirmed to~~ confined to the plaintiff an his family hereditarily and the Chattram to be in possession of the man trustee during his continuance as such personally,or through his heirs.

3. Sufficient land or other immoveable property to be set apart r the use of the Chattram by the defendants for purposes of both its upke and repairs, and for the feeding of such guests as visit it daily in rea proportions, special provision being made to feed at least five brahmin if and when they present themselves as guests at the Chattram on any da

P.T.O

rhe defendants to undertake all responsibility for arrangements stated 3 above and plaintifi to be responsible only for repairs and actual sion of the Chattram for using it ror the general object for which it een built.

5. Defendants to immediately make arrangements for the erection of a pund wall round the Chattram at their cost.

n substantial or real breach of any of the conditions which go to de- intiff's humane or religious object in building the Chattram, and conti- its existence the defendants to give up all their claim past or present ce and all right of defendants of either ownership, possession, or other- o be extinguished then and ther and plaintiff or his heirs being at iberty to claim the Chattram as their own, and exclude defendants in- the Government of Mysore, or any persons claiming through them or act- their behalf from actual possession of the Chattram. The above said to subsist not only in plaintiff but also in his family or heirs to be when such occasion arises:

rhe last item is costs of this suit. Please inform your clients that fairness, they ought to pay the actual costs incurred by my clients he has been most unjustly driven to a protracted litigation both in venue Courts and at present in the Civil Court.

Let me have an early reply whether a Decree may be passed on these

I remain,
Yours sincerely,

re City,)
y 1931.)

B. S. Chandrasekhara Rao.
Advocate.

Appendix F G—1

80

SUBJECT.....

.....

.....

Diary No. of letter replied to.....

Section

File No.

Serial No.

No. 7794

General and Revenue Secretariat

( )

the *193*

To

H. Srinivasa Murti Esq BABL.

Advocate, Civil Bel.

Bangalore City

Date of issue 28/3/31

Signed by M. Ray

Sir

With reference to your letter of the 1st August forwarding for orders the terms of Compromise suggested by Mr B.S. Chandrasekhara Rao, Advocate for Plaintiff in O.S. 2 of 27-28 on the file of the Addl District Court, Bangalore (Rajanna vs Govt), I am directed to inform you that Government do not consider the proposed

List of enclosures.....

Copied by.....

Examined by.....

[over

WD 02559—GPB—25,000—25-6-30

Compromise worthy of any serious Consideration.

The further conduct of the case may be proceeded with according to law.

Shaw et

MW

Chief Secy

ROC
5/8

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

General and Revenue Secretariat

Dated, Bangalore, 7th August 1931.

No.

From

The *Chief Secretary to the Government of His Highness the Maharaja of Mysore.*

To

M. Srinivasamurti, Esq., B.A., LL.B.,
Advocate, Chikpet, Bangalore City.

Sir,

With reference to your letter of the 1st August forwarding for orders the terms of compromise suggested by Mr. B.S. Chendrasekhara Rao, Advocate, for plaintiff in O.S.2 of 27-28 on the File of the Additional District Court, Bangalore - - (Rajanna -VS- Government), I am directed to inform you that Government do not consider the proposed compromise worthy of any serious consideration.

The further conduct of the case may be proceeded with according to law.

I have the honour to be,

S i r,

Your most obedient servant,

For Chief Secretary to Government.

K.M.R.2.
7/8.

ಎಚ್. ಶ್ರೀನಿವಾಸಮೂರ್ತಿ ಬಿ.ಎ., ಎಲ್.ಎಲ್.ಬಿ.,
ಅಡ್ವೊಕೇಟ್ಸ್

ತಾಲ್ಲೂಕು ಕಚೇರಿ ಪತ್ರ
ಬೆಂಗಳೂರು ಸಿಟಿ

ತಾರೀಖು 7. 3. 32

ಮು|| ರಾ|| The Chief Secretary to the Govt of Tanjore ಗೆ

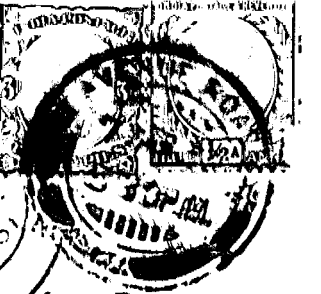
ಬೆಂಗಳೂರು Addl. District Judge ಯವರ ಕೋರ್ಟ್ಗೆ

1927—1928 ನೆ ಇಸ್ವಿ O. S. ~~S. C.~~ ನಂಬರು. 2.

ವಾದಿ. ಪ್ರತಿವಾದಿ.

Rajamma vs The Chief Secretary to Govt of Tanjore

ಮೇಲ್ಕಂಡ ಮೊಕದ್ದಮೆಯು 29—2—1932 ನೆ ತಾರೀಖಿನಲ್ಲಿ ~~ಪೂರ್ತಿಯಾಗಿದೆ~~
~~ಇತ್ಯರ್ಥವಾಯ್ತು.~~ ~~ನಿಮ್ಮ ಸಾಕ್ಷಿಗಳಿಗೆ ಸವ್ ಮಾಡಿಸಿ ಅಪೀಲು ಸಬೋತ್ ಆದಿನ ನೀವು ಕೋರ್ಟಿಗೆ ಹಾಜರಾಗತಕ್ಕದ್ದು.~~
The Suit is dismissed with costs. ದ. 29/2/32 H. Srinivasamurthy
advocate



To
The Chief Secretary
to the Govt. of
Maharaja of
Public
Bran

ಎಚ್. ಶ್ರೀನಿವಾಸಮೂರ್ತಿ ಬಿ.ಎ., ಎಲ್.ಎಲ್.ಬಿ.,
ಅಡ್ವೊಕೇಟ್

3238/P

ತಾಲ್ಲೂಕು ಕಚೇರಿ ಪಕ್ಷ
ಬೆಂಗಳೂರು ಸಿಟಿ

ತಾರೀಖು 20/1/32.

ಮಾ॥ ರಾ॥ The Chief Secretary, to the Govt of Mysore ಗೆ
Bangalore.
ಬೆಂಗಳೂರು Additional District Judge ಯವರ ಕೋರ್ಟು

1927—1928. ನೆ ಇಸ್ವಿ ~~S.C.~~ O.S. ನಂಬರು. 2

ವಾದಿ.

Rajamma.

vs

ಪ್ರತಿವಾದಿ.

The Chief Secretary to Govt

ಮೇಲ್ಕಂಡ ಮೊಕದ್ದಮೆಯು 9—2—32 ನೆ ತಾರೀಖಿನಲ್ಲಿ ಹಿಯರಿಂಗಿಗೆ ಯಿಟ್ಟಿರುತ್ತೆ. ~~ನಿಮ್ಮ ಪಕ್ಷ ಸಾಕ್ಷಿಗಳನ್ನು ಸಮಕ್ಷ ಮಾಡಿಸಿ ಅವರ ಸಮೇತ ಆ ದಿನ ನೀವು ಕೋರ್ಟಿಗೆ ಹಾಜರಾಗಬೇಕು.~~

Today one witness on our side was examined & case was adjourned for further evidence.

H. Srinivasamurthy
Advocate

25

Appendix F G—1]

SUBJECT .....

.....

.....

Section

File No.

Serial No.

Diary No. of letter replied to .....

No. 5537

To H. Srinivasamurthy, Esq B.A., L.L.B

Advocate, B'lore.

General and Revenue Secretariat

( )

the *193*

Subject :- O.S. 2/32-33 on the file of the Addl Dist. Judge B'lore (Rajanna vs Ch. See?)

Date of issue 12/3/32

Sir,

Signed by

With reference to your letter no nil dated 7.3.32 intimating that the above suit has been dismissed with costs, I am directed to request that a Copy of the Judgment may kindly be obtained and sent for information of Govt early

List of enclosures .....

Copied by

I have etc

17/3

17/3 for Govt See?

:amined by .....

4337-0/31

P 26

PROCEEDINGS OF THE GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE.

Read :--

Memo No.1836/Muz. 266-26-2, dated 24th March 1927 to the Muzrai Commissioner forwarding copy of the Endorsement No.1835 of 24th March 1927 to one Rajanna alias Anantharamaiyh rejecting his review application regarding the Chatram at Muguvalu.

2. Letter No.C.536/31-32, dated 26th February 1932 from the Muzrai Commissioner stating that Mr. N. Srinivasa Murthi, Advocate, entrusted with the conduct of the case in which Rajanna referred to above has filed a suit in the District Court, Bangalore (O.S. No.2 of 27-28 Rajanna Vs. Chief Secretary) since transferred to the Court of the Additional District Judge at Bangalore has applied for the advance of Rs.50/- for summoning witnesses and obtaining copies, etc., and requesting that in the circumstances detailed therein sanction may be accorded to advance a sum of Rs.50/- from the General Muzrai Fund subject to adjustment in due course.

Order No. 1294-95/Muz 216-31-2

Dated, Bangalore the 17th March 1932.

The request of the Muzrai Commissioner is sanctioned.

Financial Secretary to Government.

To

The Muzrai Commissioner in Mysore.
The Comptroller to Government.

Agn/4.

433733

Letter to P and copy
of decree have been
typed Judgment
with may perhaps be
typed after Xmas are
issued since Judgment
will take long to type
Probate will complete
by 7/8/32

No.P 1049/Law
Ex

17th August 1932.

The

The Public Prosecutor,
Bangalore.

Subject:- O.S.2/27-28 on the file of the Additional District Court, Bangalore (Rajanna Vs Chief Secretary).

I am directed to forward herewith the copy of the decree in the above case received from Mr. H.Sreenivasa Murthy, Advocate, Bangalore, and to request that necessary further action to recover the costs due to Government -- under the decree, may kindly be taken early in consultation with the Deputy Commissioner, Bangalore.

I have the honour to be,
Sir,
Your most obedient servant,
Sd. R. Ranga Rao
for General Secretary to Government.

Memo No. P 1050/Ens

Dated, Bangalore, 17th August 1932.

Copy of the foregoing is forwarded with compliments, to the Deputy Commissioner, Bangalore District with the -- entire records of his office sent to the Public Prosecutor for the conduct of this case.

By Order,

General Secretary to Government.

29

Appendix F G—1]

SUBJECT .....

.....

.....

General and Revenue Secretariat

( )

the 193

Date of issue 18.8.32

Signed by Mr. N. R. J. Rao

Diary No. of letter replied to .....

Section Law

File No.

Serial No.

No. P-1049/Gen. PP 1-4. (decree copy)

To The Pr. B'lore

Subject :- O.S. 2/1932

on the file of the Addl. Dist. Ct. B'lore

(Rajanna vs Chief Secretary)

Sir,

I am directed to forward ~~herewith~~ herewith the Copy of the decree in the above Case, received from Mr. H. Sreenivasa murthy, Advocate, Bangalore, and to request that necessary further action may be taken to recover the Costs due to Govt. under the decree; may kindly be taken early in Consultation with the D.C. Bangalore.

I have etc

for Chief Secretary

List of enclosures .....

Copied by .....

Examined by .....

WD 71—GBPM—20,000—20-7-31.

Memo No. P-1050/Gen (Office of Records)

Gf-32

Copy to the DC B'lore with the entire records of his office sent to this office

31

Appendix F G—1]

SUBJECT .....

.....

.....

Section

File No.

Serial No.

Diary No. of letter replied to .....

No. P 1149/Enc Jud & Decree copy PPI-37)

To The Mly Commr

Sir,

I am directed to forward herewith for information & further action Copies of the Judgement and decree passed in O.S. 2 of 1931-32 on the file of the Additional District Court B'lore (Rajamma vs Chisee & others)

The Pr. B'lore has been instructed to take necessary action to recover the Costs due and to pay under the decree in Consultation with the DC B'lore.

I have etc

MP 19/8 for Gen Secy

General and Revenue Secretariat

( )

the *193*

Date of issue 24-8-32

Signed by MR. N. R. J. Rao

List of enclosures .....

Copied by VLuG 23/8/32

ISD 19/8

Examined by .....

I.&P. 1169
Encl. copy of judgment-decree

32

23rd August 1932
24

The

The Muzrai Commissioner in Mysore,
Bangalore.

I am directed to forward herewith for information and further action copies of the judgment and decree passed in O.S.2 of 1927-28 on the file of the Additional District Court, Bangalore (Rajanna Vs. Chief Secretary and others).

The Public Prosecutor Bangalore has been instructed to take necessary action to recover the costs due to Government under the decree in consultation with the Deputy Commissioner, Bangalore.

I have the honor to be,
Sir,
Your most obedient servant,

MC

for General Secretary to Government.

AD.

B.K.M.2

Veerabhadraswamy and a chattram. The plaintiffs father tried to put up a compound wall and this was objected to by the devotees of Veerabhadraswami temple who complained that the erection of a compound wall would close up the passage to the temple as also obstruct the car procession and other Vuthsavas. Exhibits 4 and 5 are complaints in this matter addressed to the Revenue authorities in the year 1910. Apparently the contention of the devotees was up held, for in Exhibit F Muzrai Commissioner's order dated 16th June 1924 we find it recited that the Government have held that the chattram is a public institution. The order of the Revenue Commissioner was taken up in appeal but the Government declined to interfere with the order, Exhibit C dated 19th January 1927. A review was preferred but was rejected, Exhibit D dated 14th April 1927. There upon the present plaintiff issued a notice to the Chief Secretary to Government on 16th May 1927 urging that he was the lawful owner of the chattram and that the license applied for to build a compound wall should be given to him. Exhibit G. Finally he has come up to this court.

The plaint is filed under order VII Rule 1 of the Civil Procedure Code and Section 21 of the Mysore Muzrai Regulation. The plaintiff alleges that the property is his property, that his great grand-father commenced building it in 1855 and since then it has been gradually erected by the exertions of the plaintiff and his fore-fathers alone out of their own money and remained in the possession of the plaintiff till this day as the owner thereof after the death of his ancestors. The Deputy Commissioner, Bangalore, purporting to act as a Muzrai Officer, under Section 9 of the Mysore Muzrai Regulation directed the eviction of plaintiff from the chattram on the ground that the said chattram was a Muzrai institution built out of public funds and as such plaintiff

could not be in possession of it any longer. The plaintiff therefore sues for a decree declining that he is the owner of the charrtam and is not liable to be evicted therefrom by defendants. The defendants deny the title set up to the chattram by the plaintiff and assert that from its inception the chattram has been treated as a muzrai institution attached to the Sree Veera Bhadraswamy Temple at Mugavala. They allege that as a chattram was found necessary to shelter the public the defendants acquire at the instance of the villagers a land on which the chattram stands by one Budan Sab but that the plaintiff's ancestors were thereafter allowed to erect the chattram for the use of the public after raising the necessary funds from the public. After its erection of the public funds the chattram remained attached to the Sree Veerabhadra Swami Temple and has been kept open for the use of the public The chattram remained a muzrai institution and has been so treated in he muzrai records. They deny that the property was in the possession of plaintiff and his fore-fathers and contend that 1st defendant is not a necessary party and the suit against him is not maintainable and that the suit against the second defendant is bad as no notice of suit was issued to him and must therefore be dismissed and that the order of the Deputy Commissioner in his capacity as Muzrai Officer directing dispossession was served on the plaintiff on 15th March 1922 and as such the present suit is barred under section 21 of the Mysore Muzrai Regulation. In conclusion the defendants urged that the suit should be dismissed with costs. In reply the plaintiff denied the allegations of the defendants and urged that his suit is perfectly maintainable as one brought by the owner asserting his title to his property against defendants. The plaintiff has examined 12 witnesses including himself who say that the chattram was commenced to be built by plaintiff's ancestors and that they and plaintiff effected the necessary repairs to the

chattram and are in possession. The defendants have on their side examined 5 witnesses who say that the chattram was built out of public subscription and that the chattram is in possession of the Archak of the Veerabhadraswami Temple and that the car materials are kept there.

The plaintiff concedes that the land on which the chattram is built was acquired by the Government from Budan Sab and given over to his ancestors for the purpose of building a chattram Exhibits H and H, are the orders of Government on this point. The orders merely direct that Budan Sab's land should be given to Bhaskariah for the purpose of building a chattram and musafirkhana. There is nothing in the orders to indicate that the Government intended that the chattram so built should be the property of Government Exhibits 2 and 3 are produced as letters written by Anantharamiah the plaintiff's grand father to some persons asking far help in collecting subscriptions for building a chattram for the use of the public. Except theoral testimony of witnesses there is no direct evidence that any subscription was paid in response to these letters or if any amount was paid, what properties it bare to the total cost of the chattram. The evidence adduced by the defendants amounts to (1) the land on which the chattram was built was acquired by Government and given over to plaintiff's ancestors for building the chattram (2) the cost of building the chattram may in para have been met by public subscriptions. Exhibit 6 shows that in 1860 the chattram was styled as a Dharma Chattra

The Chathram being admittedly allowed to be used by the public, much significance cannot be attached to the circumstance that the devotees are allowed to use the chathram or even that the Archak of the temple may be in possession of the key or that the car materials are kept in the temple or that the leaves of the Bilpatre trees standing on the land are used

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for worshipping the God. All these are compatible with the plaintiff's title to the chattram. Having dedicated the chattram for the use of the public, plaintiff may well have allowed the use of this chattram for the temple purposes also. The defendants do not allege that they have spent any amount either in maintaining the chattram or effecting any necessary repairs. They are not in possession of the chattram. Under these circumstances it is not possible to say that the chattram is a muzrai institution. A muzrai institution is defined in Section 2 of the Mysore Religious and charitable institutions Regulations VII of 1927 as meaning and including (1) as every chattram which is now actually in the sole charge of Government or far the support of which any monthly or annual grant in perpetuity is made from the public revenues, or an inam is granted and is recognised and registered as a decadaya or dharmadaya grant (2) every institution of a religious or charitable nature which, under the provisions of this regulation, may be taken under the sole management of Government so long as it remains under such management. Section 14 mentions the circumstances under which the Government may take over the management of a public, religious or charitable institution. Section 18 provides for the muzrai officer with the previous sanction of Government taking over an institution under the management of Government in case of mismanagement. The chattram in suit does not fulfil the definition of a muzrai institution as defined in clause (i) of Section 2(2) and it is not alleged or shown that the institution has been taken over by Government. In fact the allegation that this is a muzrai institution is made for the first time in the defence statement The previous orders of Government do not refer to it as a muzrai institution. In Exhibit F the chattram is described as a public institution. When in 1857 the plaintiff grand father Anantharamaiah complained to the Government that some of his workmen to whom adwances had been given for working

in the chattram had defaulted, the Government referred him to a Civil Court, this showing clearly that the Government had no intention of asserting its own title to the chattram and was content to let it be treated as belonging to plaintiff's grand-father (Exhibit B). On Issue No.2 I hold that the suit chattram is not a muzrai institution.

In the Mysore Muzrai Regulation VI of 1913 the word "public institution" is not used. It is used only in Regulation VII of 1927 which repeals the Regulation VI of 1913 What is a public institution is not defined in the Regulation. But as already mentioned Section 14 provides for taking over the management of a public institution by Government. Section 17 authorises an enquiry regarding the mis-management of the property of a religious or charitable institution dedicated for the benefit of the public and section 18 for taking over the management. In the absence of evidence by the defendants that they have so taken the management into their hands, I must hold that the institution is plaintiff's property though it may have been intended by him to be used for the convenience of the public (Issue No.1).

The suit is brought under Section 21 of the Mysore Muzrai Regulation and Section 21 provides that any person who is aggrieved by an order of the Muzrai Officer passed under section. 18, 19 or 20 may, within six months from the date on which such order was communicated to him, file a suit for cancellation of such order. Now the order of Government declaring that the chattram of this Government order. The Deputy Commissioner issued institutions that the chattram management should be left in the hands of the Dharmadarsies and that the plaintiff should be evicted and finally the Muzrai Commissioner upheld that order in 1924. The present suit is filed in 1927. The time spent by the plaintiff in taking up this matter before Government in appeal and in

review cannot be deducted from the period of limitation allowed because section 21 makes no provision for such deduction. In fact under section 28 it is only an order of a Muzrai Officer which is not liable to be set aside by a suit i.e. subject to appeal to the Muzrai Commissioner and to the Government. So the suit is barred by time under section 21 of the Mysore Muzrai Regulation. No suit lies under the general provisions of Regulation VII of 1923 which provides for suits against Government, for, the chattram is not in the wrongful possession of Government and this is no suit for recovery (clause 2(a) of the Regulation VII of 1923). So on the 4th issue I hold that the suit is barred by time. After the arrangements were heard, this defect in the suit was fully argued and the case closed for judgment, the plaintiff filed an application under section 151 Order VI Rule 17 of Civil Procedure Code, that he may be allowed to amend the plaint by praying for actual possession of the suit chattram. The plaintiff pleads that his omission to ask for this relief was due to over sight but in the plaint it was definitely alleged that the plaintiff is in possession "till this day" and this allegation is repeated in his reply. During the course of thesuit the plaintiff applied for a temporary injunction to defendants not to interfere with his possession of the suit chattram and in the affidavit filed for that purpose he has made the same allegation. The affidavit further shows that the plaintiff construed that the six months' time commenced from the date of the Government's final order. He obtained the temporary injunction order on these allegations. It does not seem to me just at this stage to allow him to go back upon the definite allegations made by him and set up an entirely new case simply because it is found that he understood the question of limitation incorrectly. Besides, it is not a mere matter of formal amendment for it will practically

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set up a new case. We do not know what defence the defendants will put up for a claim by plaintiff on the allegation that the Government are in possession and that he is not himself in possession. Questions of adverse questions of adverse possession limitation may all raise up. A number of authorities been cited to show that the power of amendment is large and must be allowed liberally but each case has to be decided on its own merits and in my opinion the present prayer for amendment is one that should be refused at this late stage. I therefore refuse his prayer for amendment and hold that the suit is barred by time

Issue No.3. The effect of not issue of a notice to the Deputy Commissioner was not taken up in the course of arguments and a definite findings on that is not necessary in view of my finding that the suit is barred by time. In the result the suit is dismissed with costs.

Dictated in open court.

(Signed) H. M. Krishnaswami

Additional District Judge,

Bangalore 29-2-1932.

" C o p y "

General Secretary to Government.

B.K.M.2

Decree.

Section 34 C. P. Code form No.15 Civil;

IN THE COURT OF THE ADDITIONAL DISTRICT JUDGE,BANGALORE.

Original Suit No.2 of 1927-1928.

Plaintiff:- Rajanna alias Anantharamaiah, Land-holder, residing at Muguvala village, Jodigenahalli Hobali, Hosakote Taluk.

Defendants:- (1) Chief Secretary to the Government of His Highness the Maharaja of Mysore, General and Revenue Secretariat, Bangalore.

(2) Deputy Commissioner Bangalore District, Bangalore.

Suit for a declaration of the plaintiff title to the chatram described in the plaint schedule, Plaint filed on 18-7-1927.

This suit coming on for final disposal before H. M. Krishna swami, Esquire, B.A., B.L., Additional District Judge Bangalore Division, in the presence of Mr.B. S. Chendrasekhara Rao, Advocate for the plaintiff and Mr.H. Sreenevasa Murthy, Advocate, for the dependants it is ordered and decreed that the plaintiff suit be dismissed with costs.

It is further ordered and decreed that the plaintiff do pay to the dependants the sum of Rupees 37-7-0 being the amount of costs incurred in this suit as by memorandum annexed.

Given under my hand and the seal of the Court this 29th day of February 1932.

(Signed) H. M. Krishnaswami,
Additional District, Judge.

Schedule.

Memo of costs.

	By the plaintiff.	By the defendant.
Court fee on plaint. ...	50-0-0	0-0-0
Power of attorney ...	0-8-0	0-8-0
Exhibits. ...	0-0-0	0-0-0
Applications. ...	1-8-0	0-0-0
Service of processes. ...	8-13-0	2-15-0
Subsistence of witnesses.	46-0-0	9-0-0
Commissioner's fee. ...	0-0-0	0-0-0
Costs of adjournment. ...	0-0-0	0-0-0
Fee for copying, translatin	0-0-0	0-0-0
Pleader's fee. ...	25-0-0	25-0-0
Total rupees...	131-13-0	37-7-0

ıount payable by the plaintiff to the defendants is rupees 37-7-0 only (Signed) H. M. Krishnaswami,

Additional District Judge.

'True Copy'